

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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HUGO HERNANDEZ,

Plaintiff,

-against-

POLICE COMMISSIONER RAYMOND KELLY,
SGT. MCNAMARA, PO LOPEZ,
PO ANGEL CRUZ and PO BALLAERA,

Defendants.

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BLOOM, United States Magistrate Judge:

The Court held a pretrial conference pursuant to Fed. R. Civ. P. 16 by telephone on March 9, 2010. Plaintiff stated that he mailed the Court notice of his current address at Clinton Correctional Facility, 10-A-0430, P.O. Box 2000, Dannemora, New York, 12929. Although, the Court has not yet received plaintiff's notice, the Clerk of Court shall update plaintiff's address on the docket. The Court set **July 19, 2010** as the deadline for the parties to complete all discovery. Any request to amend the complaint, including any request to join other parties, shall be made by April 9, 2010. ^{10/9} Fed. R. Civ. P. 16(b)(3)(A).

Discovery is the process by which the parties request information from each other regarding their claims or defenses. Each party bears its own costs of conducting discovery. Discovery requests are not made to the Court. Discovery is governed by Rules 26 through 37 of the Federal Rules of Civil Procedure and is conducted between the parties without the Court's involvement. Pursuant to Fed. R. Civ. P. 33 and 34, plaintiff may request, in writing, answers to questions and documents from defendants' attorney. The more specific the request, the more likely the information will be produced. Generally, parties must respond to discovery requests in

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MAR 10, 2010

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ORDER

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writing within thirty (30) days. Since **July 19, 2010** is the deadline for the *completion* of all discovery, requests to the opposing party must be served at least thirty (30) days before that deadline. Plaintiff should always **keep** a copy of all requests and responses sent to defendants; plaintiff should never send an **original** document, only a copy. Fed. R. Civ. P. 5(d) prohibits litigants from filing discovery materials in the Court.

A deposition upon oral examination pursuant to Fed. R. Civ. P. 30 is a seven (7) hour question-and-answer session in which the person being deposed testifies under oath or upon affirmation. The deposition in its entirety, both the questions and answers, are transcribed by the court reporter and may be used in the litigation. The Court hereby grants defendants permission to depose plaintiff pursuant to Fed. R. Civ. P. 30(a)(2).

Before requesting the Court's assistance regarding a discovery dispute, the parties must make a good faith effort to resolve the dispute with one another. See Fed. R. Civ. P. 26(c); Local Civil Rule 37.3. For example, if plaintiff has requested materials and defendants have not responded within thirty days, plaintiff must make a good faith effort to resolve the issue with defendants' counsel before seeking the Court's intervention.

If defendants intend to file a motion for summary judgment, defendants' counsel shall write to Judge Vitaliano by August 2, 2010.

SO ORDERED.

LOIS BLOOM
United States Magistrate Judge

Dated: March 9, 2010
Brooklyn, New York